

### **Remarks/Arguments**

By this amendment, claims 8-9, 18-19, 36-37, 39-40, 42-43, 53-54, 58-59 and 61 are cancelled. Claims 1-7, 13-17, and 20-35, 38, 41, 44-52, 55-57, 60 and 62-63 are pending in the application. Claims 13, 20, 21, 56 and 62 are amended. Claims 15, 21-23, 25, 29-55, and 57-63 were previously withdrawn from consideration. Claims 8, 13-14, 18, 21-24, 27-28, and 56 were rejected. Claims 1-7, and 9 were indicated as allowed. Claims 16-17, 19-20, and 26 were indicated as allowable, but were objected to.

### **Amendments to the Claims**

Claim 13 has been amended to include the limitations of objected to Claim 19 and intervening Claim 18. As now presented, Claim 13 is allowable. Claims 20-21 have been amended to properly depend from currently amended Claim 13. Claim 56 has been amended for the purpose of improved clarity and to remove redundancies created by the amendments to Claim 13. Claim 62 is amended to correct a minor grammatical error. Neither is new matter presented nor new issues raised by the amendment. The method claims have been canceled subject to the restriction requirement and applicant's right to present them in a divisional application. All remaining claims presented in the application are allowable, not subject to restriction and reconsideration and allowance are respectfully requested.

### **Rejection Under 35 U.S.C. § 102**

Claims 13-14, 18, 24, 27-28, and 56 were rejected under 35 U.S.C. §102(e) as being anticipated by Taylor (U.S. Pat. No. 6,558,429) and Bessler et al. (U.S. Pat. No. 5,855,601). It is respectfully submitted that neither Taylor '429 nor Bessler '601 anticipate any claims, as currently amended in claim 13 to include the features recited in original claims 18 and 19, now canceled. Applicant thanks the examiner for pointing out that the subject matter of claim 19 is patentable, and this has now been affirmatively recited in claim 13. Further, these limitations are also affirmatively recited by reference in each claim depending from amended claim 13, i.e. claims 14-17, and 20-35, 38, 41, 44-52, 55-57, 60 and 62-63. Reconsideration and allowance of all claims is respectfully requested.

### **Objections**

Claims 16-17, 19-20, and 26 are objected to as depending from a rejected base claim. Specifically, each claim depends from Claim 13, which was rejected in the Office Action as being anticipated under 35 U.S.C. §102 by Taylor '429 and Bessler '601. As suggested in the Office Action, Claim 13 has been amended to incorporate the limitation of objected to Claim 19 and intervening Claim 18. Based upon the amendments to the claims, amended Claim 13 should be allowed. Claims 14-17, 20-35, 38, 41, 44-52, 55-57, 60 and 62-63 depending from Claim 13 should likewise be allowed.

**Rejoinder**

Furthermore, the subcombination/combination Claims 29-35, 38, 41, 44-52, 55-57, 60 and 62-63 should also be rejoined as depending from, or specifically including all limitations of, allowable Claim 13. See MPEP 806.05(c). The valve is critical to the combination with the tool, and there are no claims that would evidence to the contrary. Rejoinder of the previously withdrawn claims, examination on the merits and allowance of all claims presented in this application are respectfully requested.

**Telephonic Interview**

Undersigned counsel gratefully acknowledges the telephone interview extended by Examiner Snow on April 21, 2005, during which each of the pending claims were discussed and the foregoing arguments advanced. It is believed there was agreement reached (1) that the prosthesis per se claims are allowable as amended herein, (2) that the tool-prosthesis claims depending from claim 13 would be rejoined, and (3) that the restriction would be maintained for the method claims, which have been canceled from the case as agreed.

Applicant hereby requests any extension of time that may be required (it is believed that a 2-month extension and fee of \$225 are required in view of the 4-month shortened statutory period set in the advisory action of March 28, 2005), and authorizes the Commissioner to charge the fee required for the extension of

time for a small entity to deposit account 501285. If the Examiner has any questions or comments regarding this communication, it is urged that the undersigned be contacted to expedite the resolution of this application.

Respectfully submitted,



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